

Responses to Questions Regarding the HEER Office RFP for Non-Emergency Environmental Services

Proposals Due: 4:30 p.m. Tuesday, August 17, 2010

1. Will HEER recognize an SBA Certified Joint Venture under the 8(a) Mentor/Protégé program?

There will be no special recognition given to Certified Joint Venture under the 8(a) Mentor/Protégé program.

2. Will HEER recognize and consider the capability and experience of an entire team submitting with the small business listed as Prime?

Generally speaking, the HEER Office will consider the capability and experience of an entire team submitting with the small business listed as Prime. However, the team must demonstrate its ability to manage and deliver quality work in a timely, cost-effective, efficient manner. Also, this contract has not been designated solely for small businesses and consequently, while DOH encourages small businesses to participate, it will not be giving special preference to small businesses in the selection process.

3. Are there any limits on sub-contracting by the small business prime?

No, there are no limits on sub-contracting by the small business prime. However, the team must demonstrate its ability to manage and deliver quality work in a timely, cost-effective, efficient manner.

4. What are the small business size standards for this procurement?

There are no small business size standards for this procurement. While DOH encourages small businesses to participate, this procurement is not designated specifically for small business and, consequently, no special preference will be given to small businesses that participate.

5. Will there be any requirements to co-locate the selected consultant's personnel with DOH personnel at the DOH office? If yes, will the consultant's personnel be required to be at the DOH office part- or full-time?

Generally speaking there will be no requirements to co-locate the selected consultant's personnel with DOH personnel at the DOH office. However, should DOH believe that co-location is necessary, DOH reserves the right to require that the contractor be present on site. If co-location is necessary, hours will be determined as required to provide the needed support. However, in no case, will the contractor work in a way that they may be construed as functioning in the capacity of a DOH employee.

6. How many personnel who are included in our proposal need to be available 100% of their time?

None of them need be available 100% of the time.

7. What does routinely available mean? 50%, 25%?

DOH does not have a specific percentage in mind. In general, however, “routinely available” means that DOH is confident it can reasonably reach the contractor to discuss new work and initiate projects as needed. Work flow may vary significantly over the course of the federal fiscal year. However, for urgent matters, there is requirement that contractors be reachable 24 hrs/day, 7 days/week.

8. How often is an “occasional basis” with regard to the need to be available 24hrs./day; 7 days/week. How many people would need to be available?

Only one key person need be available 24/7. However, within reason, DOH expects that this person will have the authority to mobilize the additional resources needed to address an unexpected urgent situation. To date, DOH has rarely used contractors outside normal business hours and always with advance notice. Nonetheless, to address urgent and emergency situations, DOH needs to be able to reach and use its non-emergency environmental services contractors.

9. Will there be any other reasons for the consultant to decline work other than conflict of interest or lack of resources?

Conflict of interest or lack of resources are the two reasons for which DOH reserves the right to utilize the secondary contractor. The primary contractor may decline work for other reasons. However, declining work for weak reasons will reflect on the contractor’s reliability to provide support and may affect decisions regarding future extensions of the contract. Offerors should identify in their proposals any other reasons they foresee that may cause them to decline work that is within the scope of the contract.

10. Are there any health and safety certification requirements?

Yes, personnel must possess all licenses and certifications required to legally and safely perform tasks within the scope of the contract. For example, contractors performing field work must have appropriate HAZWOPER training. DOH expects Offerors to be well versed in the health and safety certification requirements for its employees to perform the services required.

11. What has been the total contract amount obligated to date in the previous contract?

The total amount obligated to date in the current contract is approximately \$3 million over a five year period.

12. Are there any program and project management requirements?

The specific program and project management requirements are those that may be stated in the RFP. DOH does expect that contractors will effectively forecast and manage their expenditures, provide documentation for cost recovery activities as needed, and assist DOH in accomplishing its grant commitments. In general, Offerors must demonstrate the ability to manage programs and projects so as to deliver the needed services in a timely, cost-effective, and efficient manner.

13. Will work for DOH include asbestos containing material (ACM) or lead-based paint?

Because ACM and lead-based paint issues are not directly regulated by the HEER office, it is unlikely that any projects would focus primarily on those issues. However, it is possible that work requested under the contract would include incidental work associated with ACM or lead-based paint.

AMENDED 14. Can we include representative projects in our proposal that were performed by our proposed personnel prior to their joining our company?

~~Yes, including representative projects performed by proposed personnel prior to joining the Offeror's company would be acceptable. DOH is interested in the skills and experience of the main contract team whenever the projects may have occurred.~~ **It is acceptable to include previous work experience and reference to representative projects in the resumes of staff proposed for this contract. However, it is not acceptable to include the reports prepared by staff while they were employed by another firm as a part of the Offeror's representative projects required by this RFP. The sample reports submitted by Offerors should be reports that were produced by the Offeror's company.**

15. Can the proposed Program Manager also work on DoD task orders while working on task orders issued under this DOH contract?

In general, Program Managers can work on task orders for other clients while working on the DOH contract, and this would include DoD contracts. However, there should be no potential or real conflicts of interest regarding work on DoD task orders. If a potential or real conflict of interest exists, it must be brought to the attention of the HEER Office contract manager for resolution.

16. Regarding rate structure, does DOH prefer the actual personnel charge rates or a blended rate of the proposed personnel at different level?

The HEER Office prefers that proposals specify: 1) the Offeror's personnel charge rates for each professional level and/or discipline, and 2) the specific hourly charge rates for key personnel who would likely work on DOH task orders. DOH also expects that Offerors will demonstrate the ability to properly match personnel professional levels with the requirements of the work needed.

17. How will you gauge the weighting on the cost?

As stated in the RFP, cost will be weighted 25% of the overall score. Offerors should specify their rates for labor, overhead, general and administrative (G&A) expense, profit, equipment usage, and any other categories for which charges may be made under the contract. In addition to the labor rates, Offerors should explain what expenses are included in other categories such as overhead and G&A expenses. For example, DOH is interested in knowing whether Offerors treat preparation of invoices and use of office equipment as overhead, G&A, or direct project expenses. Offerors should also specify the various rates they will apply to work performed by their sub-contractors.

18. Are the general terms and conditions available to view?

Yes, the general terms and conditions are available to view and are included on the HEER Office website along with these responses.

19. Is there room for negotiation on boiler plate terms and conditions such as limitations of liability and consequential damages?

There is room to negotiate special terms and conditions that are added to the contract by the HEER Office. However, in general there is no room to negotiate general terms and conditions. Changes to boiler plate terms and conditions, including limitations of liability and consequential damages, can only be made in consultation with and at the discretion of the State Procurement Office, the Department of Accounting and General Services, and the Office of the State Attorney General.

20. Will the standard process for each task order be to award it to the primary contractor, or will it be to request bids from both the primary and secondary contractors?

All task orders under the contract will initially be offered to the primary contractor. Should the primary contractor have a conflict of interest or lack the capacity in Honolulu to perform the necessary work, the HEER Office may offer the task order to the secondary contractor.

21. When a new task order comes up, what do you ask the primary contractor to submit?

As described in the RFP, the contractor will generally receive from DOH a brief description of the work needed or the situation to be addressed. The contractor will be asked to submit a proposal within 10 days that describes the tasks, personnel, and cost associated with performing the work required. The appropriate personnel from DOH and the contractor will discuss and revised the proposal as needed. The final proposal will then be approved by designated DOH officials authorizing that the work begin.

22. How are you going to compare costs when it's depending on who does it, e.g. if a senior person does it in 3 hours and a junior person does it in 33 hours, both which cost differently?

We are not able to evaluate the cost of specific work at this point. We will be comparing labor, G&A, profit, and other rates across Offerors. We will also be evaluating contractors' ability to assign appropriate personnel to project and to control costs as described by the Offerors in their proposals.

23. Is it correct that you expect \$400K to \$600K per year through grants?

The HEER Office has been receiving a grant of over \$1M each year from USEPA. Of this total amount, approximately \$400K-600K has been allocated for discretionary projects each year. We expect that the total grant amount and the amount allocated to discretionary projects will vary from year to year.

24. How much weighting is put on small business?

No special weighting or preference will be given to small businesses in the selection process for this RFP. However, in accordance with federal grant requirements, our goal is to encourage minority, women-owned, and disadvantaged businesses to participate in the competitive proposal process. Efforts to encourage and utilize disadvantage-owned, minority-owned and women-owned business enterprises will be considered in the "Other" Proposal Evaluation Criteria, not to exceed 5% of the evaluation score.

25. Who is the DOH contract manager?

The official contract manager will be Keith Kawaoka, the HEER Office Manager. Operationally, the Site Discovery, Assessment, and Remediation Section (SDAR) Supervisor will initiate and manage the task orders. Harold Lao, the Planning Section Supervisor, will do

the fiscal and contracting management. Individual projects will be assigned to appropriate staff in the HEER Office to manage on a day-to-day basis.

26. How much interaction is there between the program manager of the company and the program manager of HEER?

The official contract manager will have relatively little interaction with the program manager of the company. Most contact will be with the SDAR Supervisor, or a senior SDAR staff member. Contact will be regular and frequent with contract management meetings occurring at least monthly. Other communications by phone, e-mail, and meetings will occur as needed to properly manage the ongoing work.

27. Are there other things we can do outside the contract?

The scope of work for this RFP is very broad and the HEER Office contemplates that the scope encompasses all of the non-emergency support work that it will need. As a reminder, the HEER Office does reserve the right to do work within the scope of this contract through other contracting or staffing mechanisms if it deems another approach to be in the best interest of the State. Work that may fall outside the scope of this contract would need to be addressed through a separate procurement.

28. Is there an order of priority through this contract?

Environmental investigation and response are at the core of the Hawaii Environmental Response Law and the services needed under the contract. However, circumstances are likely to vary and projects in any particular area described in the scope could become a priority depending upon the situation.

29. How do you handle conflicts of interest between multiple contractors?

In general, conflicts of interest are handled on a case-by-case basis. DOH does not assume that a potential conflict of interest precludes working on a project. Even real conflicts of interest may be resolvable. The most important aspect is identifying and disclosing as soon as possible potential and real conflicts of interest so that they can be addressed. DOH will attempt to address each situation for the overall good of the State and the contractor(s).

30. The primary has a choice, but is the secondary obligated?

Neither contractor is obligated to perform work that presents a conflict of interest or that they do have the capability. DOH understands that neither the primary or secondary contractors may be able to perform a specific project. The purpose of selecting a primary and secondary contractor, however, is to increase significantly the reliability of having the support when it is needed.

31. Do we need to put all the sub-contract information in the proposal?

No, only subcontractors that you would intend to use to address scope of work capabilities. The amount of information will depend upon how vital that subcontractor is to the prime in providing the support specified in the scope of work. For example, DOH would expect detailed information from a specific firm that the prime expects would handle all field sampling projects under the contract. DOH does not expect detailed information on subcontractors that would perform more routine work such as well drilling or laboratory analysis. DOH expects contractors to use competent and competitively priced subcontractors and reserves the right to approve all subcontractors used to perform work under the contract.

32. What if a large company teams up with a small business?

Such an arrangement would be acceptable. A small company that plans to pass all the work through to a large company would have to demonstrate its ability to deliver high quality work in an efficient and cost-effective manner. Also, this contract has not been designated solely for small businesses and consequently, while DOH encourages small businesses to participate, it will not be giving special preference to small businesses in the selection process.

33. Do you want to see individual rates or by different levels?

DOH would like to see the contractor's general billing rates by discipline and professional level, as well as, the actual billing rates of the people most likely to do work under the contract (e.g. those employees in the Honolulu Office). In addition to the labor rates, DOH also wants to know which expenses are included in the contractor's G&A and overhead rates

34. What is the DOH's track record with small businesses?

To date, the HEER Office non-emergency services contract has not been awarded to a small business. However, DOH does encourage the participation of small, women-owned, minority-owned, and disadvantaged businesses.

35. In 6.2, is the page limitation per question?

Yes. Please limit your answers to Section 6.2 to ½ to 1 page per question.

36. Are there any specific or major projects under this contract?

Two substantial efforts planned for FY2011, which begins this fall include guidance development for multi-increment sampling of sediments and soil gas. DOH has not yet identified other major projects for this contract which will not be in place for 3-6 months. Examples of major projects currently underway or completed were described at the Offerors' Meeting on July 27, 2010.

37. Does the primary have first right of refusal for projects under this contract?

Yes, the primary contractor has the first right of refusal for projects under this contract except where a conflict of interest exists or the HEER believes the contractor does not have sufficient capacity in Hawai'i to perform the work needed.

38. In terms of a program manager would a candidate with a strong regulatory background be weighted equally or unfavorably? What if a candidate worked with DOH before?

A strong regulatory background is certainly valuable experience, as is a strong technical and scientific background. The value will vary with the project at hand. With regard to former DOH employees, Offerors should be sure to comply with State procurement and ethics rules. Keep in mind that employees may gain valuable regulatory experience working for private clients as well as directly for DOH.

39. Is DOH looking to obtain the lowest costs? How is DOH going to compare G&A rates?

DOH is not looking exclusively at the lowest cost. The evaluation will involve a mix of factors as presented in the RFP. DOH is looking for well-managed quality work at a cost effective and

competitive rate. DOH will compare G&A rates by evaluate the rates and the items included in that rate.

40. Will DOH look at how offerors derive fully burdened rates?

DOH intends to evaluate the various rates in light of the items that offerors include in those rates, so as to be able to compare rates between proposals effectively.